

Minutes of the Salem City Council Meeting held on April 17, 2019 in the Salem City Council Chambers.

Work Session: 6:00 p.m.

1. MISS SALEM CANDIDATES

Andrea Robertson, the Miss Salem Director, stated each candidate will introduce herself and tell the council what her social impact statement is. They will give their social impact statement during the evening wear part of the competition. There are 11 candidates this year. Miss Salem Sadie Stewart stated her social impact statement is hold onto your will power, don't drive distracted.

Jenna Brimhall stated her social impact statement is helping kids and teens realize there is a world beyond their cell phones.

Kaitlin Mehl stated her social impact statement is food for thought, ending childhood hunger.

Anna Nye stated her social impact statement is to bring awareness about suicide and mental health issues.

Addison Chambers stated her social impact statement is nature conservation and education.

Tiffany Nelson stated her social impact statement is the power of reading to little kids through childhood.

Jenna Awtrey stated her social impact statement is reading and literature within teen communities.

Baylee Hite stated her social impact statement is protect the skin you are in, skin cancer awareness.

Aubrey Snow stated her social impact statement is today a reader tomorrow a leader.

Dianna Brooks stated her social impact statement is the art of living with anxiety, to help deal with anxiety through the arts.

Rachel Weber stated her social impact statement is that education and arts are important for children, to encourage support of the arts in the education system.

2. AGENDA ITEM DISCUSSION

Bruce Ward stated the zone change tonight is for the other part of the property that was the Cornaby's raspberry patch, the west half was already rezoned R-12. Part of that discussion was that if the 3 properties are zoned R-12 the roads and intersections will all line up and work better. The mayor said this zone change makes sense for the area. Bruce commented it was approved by DRC and recommended for approval by Planning and Zoning.

He said Dennis Jensen's subdivision is located at 600 S 750 E. It includes Matt's home and farm and Dennis' home and property. There will be 7 lots in the subdivision. It is a basic R-15 subdivision with no real issues. Both DRC and Planning and Zoning recommend approval. Dennis will need to meet construction and subdivision standards and there is some irrigation ditch that will need to be piped. He mentioned that Dennis does not think he should have to do the underground power line. His argument is that Kenny Parcel didn't have to bury the line when he subdivided his lot. Clark Crook said there are some exceptions, but we usually require the power to be underground. There is equipment that

would need to be relocated if they do not bury the line. He mentioned that our ordinance says that they line will be buried. Bruce stated there will be some frontage that will need to be improved and the overhead powerline would be out in the road. Councilperson Sterling Rees asked if the road would be opened. Bruce said that some of those people were told it would never be open. Attorney Junior Baker said he thought they had been told that it could open up in the future. Councilperson Cristy Simons asked when that road would open. Bruce replied it would be closed during construction. Councilperson Rees asked if the road would need to be widened and if it was would there be a pole be in the road. Chief Brad James said that it is the main walking route to Foothills Elementary. Councilperson Simons asked if it was the safe route to the school. Chief James replied it wasn't but the kids don't use the safe route that takes them down past the stake center. Councilperson Craig Warren asked if we widened the road to 500 East, if we have an easement to do it. Bruce said that some of the property lines do go into the road. He said it is typical when we annex property that many of the roads that were in the county are owned by the property owners. Councilperson Warren asked if any of the existing homes would be too close to the road. Bruce replied there could be some problems. We don't need to open it right away. Chief James said there will be pressure to open the road. Councilperson Simons said most of the people on the road think they own it. Bruce said we could send out letters to the property owners. Chief James said we annex from the county some of the houses are close to the road and the roads are narrow.

Bruce asked the council for direction on the C-2 zone. The business that owns the property at Center Street and SR 198 brought in a site plan that includes a drive thru window. The C-2 zone doesn't allow drive thru windows. The pharmacy, Fast Gas, the cookie place, the bank, and even the post office, all have a drive thru and are in the in the C-2 zone. They are going to refinish the building inside and out, pave the parking lot, and do the landscaping. It will really clean up the area. Councilperson Warren asked why drive thru windows were not allowed in the C-2 zone. Attorney Baker said he thinks the original intent was because they didn't want drive thru windows close to residential areas. Chief James said he believes it went back to the beer ordinance. Bruce said the recommendation from DRC and Planning and Zoning is to modify the C-2 so that drive thru windows are allowed. Bruce mentioned that there could be a backup during drop off and pick up from the school, so they are looking into ways to remedy that so there won't be any issues. Mayor Christensen asked if the council all agreed that they should modify the zone. The council gave direction to move forward with modifying the ordinance.

Bruce showed the bids for the fence at the city shop. The mayor asked if it was chain link fencing all around the property. Councilperson Warren said it is a 6 foot chain link fence. Dave Johnson said it is on the south end. The mayor mentioned the fences didn't line up with the property lines, so the new fence will correct that issue. Councilperson Rees asked if the gates would be replaced. Councilperson Warren replied they would be. Clark said there is a power pole that will need to be relocated. Chief James commented they need the fence for the security of the building. Bruce said to make sure they don't take the funding from the pond.

Clark stated he is asking for approval for a power master plan. The last master plan was done in 2014, and most of the projects on it have been completed. He is recommending ICP

because they have done most of our studies and have a lot of our information already. He has budgeted \$32,000 for the master plan and will pull the other \$4,000 from another study that can wait until next budget year. He asked if there were any questions.

Chief James reported he received a letter of resignation from Officer Cullen Carter on Monday, his last day will be April 26th. He stated it is a tough task to replace officers, there are many cities offering a lot of incentives to come and work for them. Cadets are being offered jobs before they come out of the academy. He would like to work with the mayor on some incentives to bring some officers on board. The two that he would like to interview are currently number 1 and number 2 in the academy. With permission from the council he would like to lure them into working part time for the city until they have graduated. He explained there would be money in the budget because we will be having Officer Worwood become a school resource officer at the junior high and Nebo School District will pay half of his salary. Attorney Baker stated that Chief James needs approval tonight to create a new position. Chief James said he has gone over his budget with Jeff Nielson and the mayor. Councilperson Warren asked how we can be proactive about recruiting and keeping officers. Chief James stated we have the best benefit package in the county, but we can look at doing other incentives. He is asking tonight for approval to work with the mayor on this. The mayor asked if the council agreed. They all did.

Chief mentioned they have been given the opportunity to purchase a 2006 front line pumper truck from Saratoga Springs for \$100,000. Saratoga Springs is replacing it with a ladder truck. This is a fully equipped truck, all we will need to do is change the logos and it is ready to go. The front line pumper we currently have is a 1993. The fire department has \$56,000 in confers from the fires that they could use towards the purchase of the truck.

Chief stated tomorrow is the Great Shake Out. He showed some slides of what could happen if we have flooding or a debris flow from the fire area. He stated that we need to be prepared for any type of disaster. He said if we do get some flooding, he thinks our role would be the same as during the fire, to offer our support to neighboring communities. He commented that we give out our emergency preparedness calendar which has good information in it. He also has more information for anyone that would like it. If the council or citizens have any questions he would be glad to answer them. He said to prepare yourself and your families. Bruce stated they are still working with the county, Woodland Hills, and Elk Ridge on the purchase of 5 acres for a debris basin. Chief James stated the public safety departments are working hard and love volunteering and our community.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor Kurt L Christensen

COUNCIL PRESENT:

Mayor Kurt L Christensen
Councilperson Cristy Simons
Councilperson Seth Sorensen, Excused
Councilperson Howard Chuntz
Councilperson Sterling Rees
Councilperson Craig Warren

STAFF PRESENT:

Jeffrey Nielson, Finance/Recorder, Excused
Junior Baker, City Attorney
Chief Brad James, Police Chief
Clark Crook, Power
Matt Marziale, PW/Recreation
Bruce Ward, City Engineer
David Johnson, Building Dept.
Allison Taylor

OTHERS PRESENT

Jan J. Ward, Richard Whaley, Chamaine Wollenzien, Quincy Pearman, Brady Cox, Rich Dent, Justin Porter, Bridger Saunders, Charles Hansen, Cameron Dent, Taylor Holdaney, Lisa Cole, Kathy Nelson, Aubrey Snow, Tiffany Nelson, William Burk, Dennis Jensen, Barbara Jensen, Robert Nelson

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Christensen asked if anyone would like to give a motivational or inspirational message. Aubrey Snow stated she would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Tiffany Nelson invited those who wish to participate, to stand and say the pledge of allegiance with her. She then led the pledge of allegiance for those who wanted to participate.

3. PUBLIC HEARING
(to open)

MOTION BY: Councilperson Craig Warren to open the public hearing.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

a. ROBERT NELSON / ROBERT EARL – REQUEST A ZONE CHANGE ON PROPERTY LOCATED AT 671 W. SALEM CANAL ROAD FROM R-15 TO R-12

Bruce Ward stated this is a zone request for property located at 671 West Canal Road from R-15 to R-12. The R-15 zone requires 100 feet of frontage and a minimum 1,500 square foot lot, the R-12 requires the same amount of frontage with a minimum of 1,200 square foot lot. The adjacent property was rezoned R-12 on February 20, 2019. When the zone change for that property was brought to the council there was a discussion about how this will allow the roads and intersections to line up better. He asked if there were any questions. Councilperson Sterling Rees asked if the involved parties had all agreed to the road alignment for the proposed subdivisions. Bruce replied they had agreed, this way they will not be adding 3 new intersections onto Salem Canal Road. The mayor asked if Robert Nelson had any comments. Robert said the property owners are trying to make 650 work, they do not want 5 intersections coming onto Canal Road within 600 feet. Bruce stated the lots will still have the same frontage, they will have smaller backyards. Robert said with the R-15 some of the backyards were smaller with how the property lines worked out. Bruce said this had been discussed in DRC and Planning and Zoning and both recommended approval. The mayor asked if there was any public comment. Brady Cox stated he lives on 550 W. his issue is not with the raspberry fields going away, but he doesn't think the comments he heard at Planning and Zoning were valid. He doesn't think the zone change is required to maintain a single access road off Salem Canal. His other complaint is that he received a notice in the mail 2 weeks ago, that this was going to Planning and Zoning, but he didn't receive any notice for the other piece of land that has already been rezoned. He has a conflict with the city for not letting people know about that zone change for the same development. Robert Nelson explained the development was originally laid out as a R-15, they would have to put 2 roads in because there are different developments. Ryan Johnson came in for the first zone change to make his project line up, if it wasn't rezoned he didn't want to put a road in that went to the west. They decided the best way to make the 3 parcels work to line up the roads up was to ask for the zone change. Councilperson Howard Chuntz asked why Brady opposed the zone change. Brady replied he isn't concerned with how wide the lots are but how deep. Chamaine Wollenzien stated she thinks she can answer for Brady, she has the same issue he does, now a house that is built behind her will be a lot closer to her house than it would have been. Having another house so close to her is an issue, the R-12 will bring a neighbor a lot closer to her back window, which isn't a big deal to a developer but it is to her. They are using the road as justification, but they are getting 3 or 4 more homes in their subdivisions. She said the Salem Fields development is putting in really nice fencing and maybe that would be a good compromise. Brady Cox said he would like to respond, he doesn't think that the argument of lining up the roads justifies the zone change. Richard Whaley said his concern is what impact building these roads will have to the city. We already have pot holes and other issues with our roads, so will this take money from those roads. Mayor Christensen explained the developer puts in the roads and they guarantee them for 1 year, which is standard. Robert Nelson stated that the lots would mostly be about 120 feet deep,

so the homes wouldn't be too much closer. Brady Cox asked if they wouldn't have more congestion coming out of 1 entrance onto Salem Canal Road. The mayor replied there would be but it would be better than 2 really close entrances. He said that the R-12 will allow Ryan Johnson to put a road that goes to the west so the road will come in and then branch. Brady asked why they couldn't do that anyway. Robert said with the 2 subdivisions there would have to be 2 entrances, because the roads will not line up. Chamaine Wollenzien asked if they were sure the lots would be 120 feet deep. Brady said they would have to be to meet the requirements. Robert Nelson said most of them would be close to 120 feet deep. Brady stated his other issue is that they were notified when the other property was rezoned. Councilperson Rees asked what the notification process was. Attorney Junior Baker stated that he believes it is any property within so many feet of the property. Bruce stated he asked Becky who is notified, and she notifies any adjacent property owner. The mayor said it was not the city's intent to not notify these property owners when the first zone change came to them. Brady asked how that could be since it is one development. The mayor explained it is not the same development. Brady said that made more sense, he thought it was only one development. Bruce explained there were 3 property owners involved. He asked Robert when he thought the Earl's might develop. Robert replied it would probably not be until after the mother passes away. Chamaine asked if someone would promise her that the lots will be 120 feet deep. Robert said they will be close. Bruce stated that the lots are not set yet, they do that after they have been surveyed. He said that our code only allows us to require the 100 foot frontage. The developer in Salem Fields decided to do the fencing up there on his own, we don't require any fencing for the R-12 or R-15 zone. Robert said that the depths will not be exactly 120 some of the properties have jogs and other issues. Brady said now that he knows there is more than one development he thinks it is a wise decision to make the roads line up.

(to close)

MOTION BY: Councilperson Cristy Simons to close the public hearing.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

MOTION BY: Councilperson Sterling Rees to approve the zone change on 671 W. Salem Canal Road from R-15 to R-12.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

4. DENNIS JENSEN – APPROVE PRELIMINARY PLAT FOR AUTUMN HILLS PLAT G

Bruce introduced the project, it is a 7 lot subdivision located at 750 E. and 600 S. The subdivision will be zoned R-15, DRC and Planning and Zoning both recommend approval with basic construction and development standards being met. In this case 600 South will

need to be opened, it is blocked off right now. The power line will need to be buried to meet our standard requirements, and the irrigation ditch will need to be piped. The mayor asked if the irrigation serves someone below. Bruce replied that it did. Dennis Jensen stated he thinks it is unfair that he will have to bury the power when all 4 of his neighbors have overhead power. He said that Kenny Parcel didn't have to bury the power line when he did his subdivision. Councilperson Craig Warren asked when that was done. Bruce replied it was last year, he subdivided 3 lots, he was required to do the improvements on 800 S. Councilperson Warren asked why he wasn't required to bury the power. Clark Crook replied that there wasn't any new construction and that is why they were not required to put the power underground. When he decides to build, then the power issue will be addressed. Councilperson Rees asked if they didn't require Dennis to move the power underground would he have to do anything with the power. Clark said he would have to relocate at least one pole, and there would be some maintenance issues with the underground. Clark says he doesn't have an exact estimate for the power yet, it is about 200 feet that would need to be buried. There was a discussion on the piping of the irrigation ditch.

MOTION BY: Councilperson Craig Warren to approve the preliminary plat for Dennis Jensen for Autumn Hills Plat G holding to our subdivision and construction standards, burying the power line and piping the irrigation ditch.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

5. DISCUSSION ON RECOMMENDATION TO MODIFY C-2 ZONE

Bruce mentioned this was discussed in work session. We received a site plan for the business located at Center Street and SR 198, it included a drive thru window. Currently the C-2 zone does not permit drive thru windows, but we have 4 businesses that already have drive thru windows and are zoned C-2. Both DRC and Planning and Zoning recommended modifying the C-2 zone to allow drive thru windows. Attorney Baker said they just need direction from the council tonight. The mayor asked if the council felt they should move forward with the modification to the C-2 zone to allow drive thru windows. They did.

6. APPROVE FENCE AT THE CITY SHOP

Mayor Christensen explained this is a chain link fence that would go around the city shop. They had it surveyed and the fence will realign the property boundaries so they are correct. They have a bid from Earls Fence Company LLC for \$9,592.50. Bruce mentioned the money for the fence should not come from the pond funds. Matt Marziale reported they will use assigned funds for the fence.

MOTION BY: Councilperson Craig Warren to approve the fence at the city shop without using pond funds.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

7. APPROVE POWER MASTER PLAN

Clark stated tonight he is asking for approval for ICP to conduct an electrical facilities master plan. The last electrical master plan was in 2014 and most of the projects that were on it have been completed. They need to do a new study to plan for future growth. He has budgeted \$32,000 for the master plan, and will use an additional \$4,000 that was budgeted for another study, which he will do in the next budget year. He asked if there were any questions.

MOTION BY: Councilperson Howard Chuntz to approve the power master plan.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

8. APPROVE MINUTES OF APRIL 3, 2019

MOTION BY: Councilperson Cristy Simons to approve the minutes of April 3, 2019.

SECONDED BY: Councilperson Howard Chuntz.

VOTE: All Affirmative (4-0).

9. APPROVE BILLS FOR PAYMENT

Councilperson Chuntz had a question on the bills. Centracom was paid twice for internet service for the recreation and library internet. Allison Taylor explained there were two bills for two separate months.

AMOUNT: \$1,858,995.45

MOTION BY: Councilperson Howard Chuntz to approve the bills for payment.

SECONDED BY: Councilperson Cristy Simons.

VOTE: All Affirmative (4-0).

10. YOUTH COUNCIL

There was not a representative from the youth council in attendance tonight. Mayor Christensen commented they will be helping with the Easter Egg Hunt on Saturday, it starts at 9 a.m. sharp.

11. SF / SALEM CHAMBER

There was not a representative from the chamber in attendance tonight.

12. CHIEF BRAD JAMES, PUBLIC SAFETY DIRECTOR

Chief Brad James did not have anything to report tonight.

13. DAVE JOHNSON, BUILDING OFFICIAL DIRECTOR

Dave Johnson did not have anything to report tonight.

14. ATTORNEY JUNIOR BAKER

Attorney Baker did not have anything to report tonight.

15. JEFFREY NIELSON, CITY FINANCE DIRECTOR/CITY RECORDER

Jeff Nielson was excused tonight.

16. MATT MARZIALE, RECREATION/PUBLIC WORKS DIRECTOR

Matt reported the green waste is up and running, Wayne is taking care of people and it is going well. He said the public works departments are working diligently. He has the contract for Berg Engineering for Cole Park, he needs the mayor to sign it so they can begin working on the design. The recreation department received a grant for \$4,098. Mayor Christensen asked why we get that money. Matt said it is a Utah County tax that is collected and then allocated out to the recreation departments. They do have to tie the money to a project so it will go towards Cole Park. Councilperson Warren asked when the green waste is closing. Matt replied it will be open through Monday April 22, 2019. Councilperson Warren suggested extending the dates because it has been so wet and rainy. The council decided to leave the green waste yard open until April 29, 2019. The mayor stated we will get that on the website, Facebook, and send out a text notification.

17. CLARK CROOK, ELECTRICAL DIRECTOR

Clark did not have anything to report tonight.

18. BRUCE WARD, ENGINEERING

Councilperson Chuntz asked Bruce to tell the council where they are on the PI metering. Bruce reported they had given Franson Engineering authority to go to the state to see what funding was available to get PI meters installed in the city. Their proposal is to apply for a \$2.4 million loan, then apply our \$300,000 grant towards that so then we would owe the \$2.1 million. It would have a 1% interest rate and we would have 10 years to pay that back. Councilperson Chuntz mentioned they proposed a tier rate schedule, to encourage conservation. There was a brief discussion on the timeline and where the funding would come from.

COUNCIL REPORTS

19. MAYOR KURT CHRISTENSEN

The mayor stated they are working on budgets. Bruce mentioned that he would like the council to consider adding an assistant engineering position and offering it to the BYU intern, Ryan Selee, that has been working here part time. Nyle has announced that he will be retiring January 1, 2020 and we will need to hire a new inspector. Mayor Christensen stated that Bruce needs some help, he spends a lot of time here. The mayor talked to Bruce about giving up some of his jobs if we create this new position. He said it will help take some of the load off of Bruce. Attorney Baker stated they will need council approval to create the position. The mayor asked Bruce when he would like to hire him. Bruce replied immediately. The council was all in favor of creating this new position and offering it to Ryan.

20. COUNCILPERSON STERLING REES

Councilperson Rees did not have anything to report tonight. He thanked the city for the flowers they sent for the loss of his mother.

21. COUNCILPERSON CRISTY SIMONS

Councilperson Simons mentioned they have had a lot of people helping with the Easter Egg Hunt. She invited the council to come at 8:00 a.m. Saturday and Jen will put them to work helping. It will begin at 9 a.m. She reminded the council that Opening Day for Baseball will be May 2, 2019.

22. COUNCILPERSON HOWARD CHUNTZ

Councilperson Chuntz did not have anything to report tonight.

23. COUNCILPERSON SETH SORENSEN

Councilperson Seth Sorensen was excused tonight. The mayor stated the sewer plant is going well. Condie Construction is almost done with the sewer and water lines.

24. COUNCILPERSON CRAIG WARREN

Councilperson Warren commented as they all know the transfer is moving to Spanish Fork. They have an offer to buy some of the property from a private company for \$1.85 million. Springville City just made an offer to buy the property for \$2 million, which is above the appraisal price. Terry Ficklin is making sure we don't have any legal or ethical obligation to go with the first offer.

William Burk asked for the status on the city master plan. Bruce replied we should be getting a general plan draft from the consultant anytime. There will be a final meeting held to discuss it and then it would come to council for final approval. William asked how the 1,000 acres that are proposed to be annexed in would affect the plan. Bruce replied that area was in our growth boundaries and so it was included in the general plan scope of work.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Howard Chuntz to adjourn council meeting.

SECONDED BY: Councilperson Sterling Rees.

VOTE: All Affirmative (4-0).

MEETING ADJOURNED AT: 8:14 p.m.

Jeffrey Nielson, City Recorder